

the Secretary, the United States Chemical Safety and Hazard Investigation Board, local officials, and other interested parties, shall determine which inherently safer technologies are to be used by the high-consequence water facility.

“(ii) CONSIDERATIONS.—In making the determination under clause (i), an owner or operator—

“(I) may consider transition costs estimated in the options feasibility assessment of the owner or operator (except that those transition costs shall not be the sole basis for the determination of the owner or operator);

“(II) shall consider long-term security enhancement of the high-consequence water facility;

“(III) shall consider comparable water facilities that have transitioned to inherently safer technologies; and

“(IV) shall consider the overall security impact of the determination, including on the production, processing, and transportation of substances of concern at other facilities.

“(c) ENFORCEMENT.—

“(1) IN GENERAL.—In accordance with the tiers and priority system established under subsection (b)(2)(B), subject to paragraph (2), the Administrator—

“(A) shall prioritize the use of inherently safer technologies at high-consequence facilities listed under subsection (b)(1);

“(B) subject to the availability of grant funds under this section, not later than 90 days after the date on which the Administrator receives an options feasibility assessment from an owner or operator of a high-consequence water facility under subsection (b)(3)(A), shall issue an order requiring the high-consequence water facility to eliminate the use of 1 or more substances of concern and adopt 1 or more inherently safer technologies; and

“(C) may seek enforcement of an order issued under paragraph (2) in the appropriate United States district court.

“(2) DE MINIMIS USE.—Nothing in this section prohibits the de minimis use of a substance of concern as a residual disinfectant.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the tiers and priority system established under subsection (b)(2)(B), the Administrator shall provide grants to high-consequence facilities (including high-consequence facilities subject to an order issued under subsection (c)(1)(C) and water facilities described in paragraph (6)) for use in paying capital expenditures directly required to complete the transition of the high-consequence water facility to the use of 1 or more inherently safer technologies.

“(2) APPLICATION.—A high-consequence water facility that seeks to receive a grant under this subsection shall submit to the Administrator an application by such date, in such form, and containing such information as the Administrator shall require, including information relating to the transfer to inherently safer technologies, and the proposed date of such a transfer, described in subsection (b)(3)(B).

“(3) DEADLINE FOR TRANSITION.—An owner or operator of a high-consequence water facility that is subject to an order under subsection (c)(1)(C) and that receives a grant under this subsection shall begin the transition to inherently safer technologies described in paragraph (1) not later than 90 days after the date of issuance of the order under subsection (c)(1)(C).

“(4) FACILITY UPGRADES.—An owner or operator of a high-consequence water facility—

“(A) may complete the transition to inherently safer technologies described in para-

graph (1) within the scope of a greater facility upgrade; but

“(B) shall use amounts from a grant received under this subsection only for the capital expenditures directly relating to the transition to inherently safer technologies.

“(5) OPERATIONAL COSTS.—An owner or operator of a high-consequence water facility that receives a grant under this subsection may not use funds from the grant to pay or offset any ongoing operational cost of the high-consequence water facility.

“(6) OTHER REQUIREMENTS.—As a condition of receiving a grant under this subsection, the owner or operator of a high-consequence water facility shall—

“(A) upon receipt of a grant, track all cost savings resulting from the transition to inherently safer technologies, including those savings identified in subsection (b)(4)(B)(iii); and

“(B) for each fiscal year for which grant funds are received, return an amount to the Administrator equal to 50 percent of the savings achieved by the high-consequence water facility (but not to exceed the amount of grant funds received for the fiscal year) for use by the Administrator in facilitating the future transition of other high-consequence water facilities to the use of inherently safer technologies.

“(7) INTERIM TRANSITIONS.—A water facility that transitioned to the use of 1 or more inherently safer technologies after September 11, 2001, but before the date of enactment of this section, and that qualifies as a high-consequence facility under subsection (b)(2), in accordance with any previous report submitted by the water facility under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) and as determined by the Administrator, shall be eligible to receive a grant under this subsection.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$125,000,000 for each of fiscal years 2007 through 2011.”

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 485—TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE VALUE OF FAMILY PLANNING FOR AMERICAN WOMEN

Mrs. CLINTON (for herself, Ms. CANTWELL, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, Mrs. FEINSTEIN, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 485

Whereas the United States has one of the highest rates of abortion in the industrialized world;

Whereas reducing unintended pregnancies will reduce the number of abortions;

Whereas one of the most effective ways to prevent unintended pregnancy is to improve access to safe, affordable, effective family planning;

Whereas contraceptive use has declined (slightly among all women and precipitously among low-income women) and, as a result, unplanned pregnancy rates have risen among low-income women by 30 percent;

Whereas the impact of contraceptive use is hard to overstate — 11 percent of women in the United States who do not use contraception account for ½ of all unintended pregnancies;

Whereas low-income women today are 4 times as likely to have an unintended pregnancy and more than 4 times as likely to have an abortion as higher-income women;

Whereas abortion rates have increased among low-income women, even as they have continued to decrease among more affluent women;

Whereas 12,800,000 women of reproductive age are uninsured and 9,300,000 women of reproductive age live in poverty;

Whereas lack of coverage for contraception and other health care costs result in women of reproductive age paying 68 percent more in out-of-pocket costs for health care services than do men of the same age;

Whereas family planning is a vital part of helping women achieve the best health outcomes for both women and their babies; and

Whereas Women's Health Week is a time to recognize the important role family planning services play in the lives of women across the United States: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Congress should help women, regardless of income, avoid unintended pregnancy and abortion through access to affordable contraception; and

(2) Congress should support programs and policies that make it easier for women to obtain contraceptives.

### SENATE RESOLUTION 486—DESIGNATING JUNE 2006 AS “NATIONAL INTERNET SAFETY MONTH”

Ms. MURKOWSKI (for herself, Mr. ALLEN, Mr. CRAIG, Mr. STEVENS, Mr. VITTER, Mrs. LANDRIEU, Mrs. DOLE, Mr. CRAPO, Mr. BURNS, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. ROBERTS, Mr. SANTORUM, and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 486

Whereas, in the United States, more than 90 percent of children between the ages of 5 years old and 17 years old, or approximately 47,000,000 children, now use computers;

Whereas approximately 59 percent of children in that age group, or approximately 31,000,000 children, use the Internet;

Whereas approximately 26 percent of the children of the United States in grades 5 through 12 are online for more than 5 hours a week;

Whereas approximately 12 percent of those children spend more time online than they spend interacting with their friends;

Whereas approximately 53 percent of the children and teens of the United States like to be alone when “surfing” the Internet;

Whereas approximately 29 percent of those children believe that their parents would express concern, restrict their Internet use, or take away their computer if their parents knew which sites they visited while surfing on the Internet;

Whereas approximately 32 percent of the students of the United States in grades 5 through 12 feel that they have the skills to bypass protections offered by the installation of filtering software;

Whereas approximately 31 percent of the youths of the United States have visited an inappropriate website on the Internet;

Whereas approximately 18 percent of those children have visited an inappropriate website more than once;

Whereas approximately 51 percent of the students of the United States in grades 5 through 12 trust the individuals that they chat with on the Internet;

Whereas approximately 33 percent of the students of the United States in grades 5

through 12 have chatted on the Internet with an individual whom they have not met in person;

Whereas approximately 11.5 percent of those students have later met with a stranger with whom they chatted on the Internet;

Whereas approximately 39 percent of the youths of the United States in grades 5 through 12 have admitted to giving out their personal information, including their name, age, and gender, over the Internet; and

Whereas approximately 14 percent of those youths have received mean or threatening email while on the Internet: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 2006 as “National Internet Safety Month”;

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

#### SENATE RESOLUTION 487—EXPRESSING THE SENSE OF THE SENATE WITH REGARD TO THE IMPORTANCE OF WOMEN'S HEALTH WEEK, WHICH PROMOTES AWARENESS OF DISEASES THAT AFFECT WOMEN AND WHICH ENCOURAGES WOMEN TO TAKE PREVENTIVE MEASURES TO ENSURE GOOD HEALTH

Mr. FEINGOLD (for himself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 487

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaska Native women;

Whereas since healthy habits should begin at a young age, and preventive care saves Federal dollars designated to health care, it is important to raise awareness among women and girls of key female health issues;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2006, the week of May 14 through May 20, is dedicated as the National Women's Health Week: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) calls on the people of the United States to use Women's Health Week as an opportunity to learn about health issues that face women;

(3) calls on the women of the United States to observe National Women's Check-Up Day on Monday, May 15, 2006, by receiving preventive screenings from their health care providers; and

(4) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women and highlight racial disparities in the rates of these diseases.

#### SENATE RESOLUTION 488—EXPRESSING THE SENSE OF CONGRESS THAT INSTITUTIONS OF HIGHER EDUCATION SHOULD ADOPT POLICIES AND EDUCATIONAL PROGRAMS ON THEIR CAMPUSES TO HELP DETER AND ELIMINATE ILLICIT COPYRIGHT INFRINGEMENT OCCURRING ON, AND ENCOURAGE EDUCATIONAL USES OF, THEIR COMPUTER SYSTEMS AND NETWORKS

Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. HATCH, Mr. NELSON of Florida, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 488

Whereas the colleges and universities of the United States play a critically important role in educating young people;

Whereas the colleges and universities of the United States are responsible for helping to build and shape the educational foundation of their students, as well as the values of their students;

Whereas the colleges and universities of the United States play an integral role in the development of a civil and ordered society founded on the rule of law;

Whereas the colleges and universities of the United States have been the origin of much of the creativity and innovation throughout the history of the United States;

Whereas much of the most valued intellectual property of the United States has been developed as a result of the colleges and universities of the United States;

Whereas the United States has, since its inception, realized the value and importance of intellectual property protection in encouraging creativity and innovation;

Whereas intellectual property is among the most valuable assets of the United States;

Whereas the importance of music, motion picture, software, and other intellectual property-based industries to the overall health of the economy of the United States is significant and well documented;

Whereas the colleges and universities of the United States are uniquely situated to advance the importance and need for strong intellectual property protection;

Whereas intellectual property-based industries are under increasing threat from all forms of global piracy, including hard goods and digital piracy;

Whereas the pervasive use of so-called peer-to-peer (P2P) file sharing networks has led to rampant illegal distribution and reproduction of copyrighted works;

Whereas the Supreme Court, in *MGM Studios Inc. v. Grokster, Ltd.*, reviewed evidence of users' conduct on just two peer-to-peer networks and noted that, “the probable scope of copyright infringement is staggering” (125 S. Ct. 2764, 2772 (2005));

Whereas Justice Breyer, in his opinion in *MGM Studios Inc. v. Grokster, Ltd.*, wrote

that “deliberate unlawful copying is no less an unlawful taking of property than garden-variety theft” (125 S. Ct. 2764, 2793 (2005));

Whereas many computer systems of the colleges and universities of the United States, including local area networks under the control of such colleges and universities, may be illicitly utilized by students and employees to further unlawful copying;

Whereas throughout the course of the past few years, Federal law enforcement has repeatedly executed search warrants against computers and computer systems located at colleges and universities, and has convicted students and employees of colleges and universities for their role in criminal intellectual property crimes;

Whereas in addition to illicit activity, illegal peer-to-peer use has multiple negative impacts on college computer systems;

Whereas individuals engaged in illegal downloading on college computer systems use significant amounts of system bandwidth which exist for the use of the general student population in the pursuit of legitimate educational purposes;

Whereas peer-to-peer use on college computer systems potentially exposes those systems to a myriad of security concerns, including spyware, viruses, worms or other malicious code which can be easily transmitted throughout the system by peer-to-peer networks;

Whereas, according to a recent study released by the Motion Picture Association of America, students at colleges and universities in the United States accounted for \$579,000,000 in losses to the motion picture industry of the United States in 2005, which represents 44 percent of that industry's annual losses due to piracy;

Whereas computer systems at colleges and universities exist for the use of all students and should be kept free of illicit activity;

Whereas college and university systems should continue to develop and to encourage respect for the importance of protecting intellectual property, the potential legal consequences of illegally downloading copyrighted works, and the additional security risks associated with unauthorized peer-to-peer use; and

Whereas it should be clearly established that illegal peer-to-peer use is prohibited and violations punished consistent with upholding the rule of law: Now, therefore, be it

*Resolved*, That—

(1) colleges and universities should continue to take a leadership role in educating students regarding the detrimental consequences of online infringement of intellectual property rights; and

(2) colleges and universities should continue to take steps to deter and eliminate unauthorized peer-to-peer use on their computer systems by adopting or continuing policies to educate and warn students about the risks of unauthorized use, and educate students about the intrinsic value of and need to protect intellectual property.

#### AMENDMENTS SUBMITTED & PROPOSED

SA 4085. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4086. Mr. WARNER (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4087. Mrs. FEINSTEIN (for herself and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill S. 2611, supra.